

1 **OAK TREE LAW**

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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 OKECHUKWU OBIOMA UKAEGBE,

12 Plaintiff,

13 VS.

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15 SELECT PORTFOLIO SERVICING, INC., a  
16 Utah financial institution; BANK OF  
17 AMERICA, N.A., a Delaware financial  
18 institution; NATIONAL DEFAULT  
19 SERVICING CORPORATION, an Arizona  
financial institution; and DOES 1 TO 100,  
inclusive,

20

21 Defendants.

22 Case No.: 2:15-cv-03584-CAS-JEM

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24 **REPLY TO OPPOSITION TO  
MOTION FOR ORDER  
PERMITTING WITHDRAWAL  
OF PLAINTIFF'S COUNSEL**

25 Date: March 7, 2016

Time: 10:00 a.m.

Ctrm: 5

Complaint filed April 9, 2015

Trial Date: August 2, 2016

Hon. CHRISTINA A. SNYDER  
Judge

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27 Counsel for plaintiff, OAK TREE LAW, movant herein, submits the following  
Reply to the opposition to its motion to withdraw filed by counsel for Select Portfolio  
Servicing, Inc., and National Default Servicing Corp.

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1           No Delay Will Result From the Granting of this Motion.

2           Trial in this matter is scheduled for August 2, 2016, nearly six months from today.

3           Plaintiff will have more than adequate time to secure replacement counsel, should he  
4           elect to do so and proceed with this case. Thus, no prejudice will result to plaintiff from  
5           the granting of this motion.

6           Similarly, no prejudice will result to defendants in that:

- 7           1. Counsel can still bring his dismissal motion referenced in his opposition;
- 8           2. Counsel admits they are prepared to go forward with the case, trial of which is  
9           in six months.
- 10          3. Because counsel is prepared to go forward with the case there is no need to  
11           continue the trial;
- 12          4. If the discovery cut-off is extended so that opposing counsel can re-schedule  
13           plaintiff's deposition, counsel will be in the same position then as he is now,  
14           i.e., plaintiff is not likely to appear for his deposition. Therefore, extending the  
15           discovery cut-off date would serve no useful purpose.

16           Prejudice Will Result to Movant if the Motion is Not Granted.

17           Although no prejudice will result to defendants if the court grants the motion the  
18           same is not true for counsel for plaintiff.

19           Counsel will be required to continue in the case, representing an uncooperative and  
20           obstreperous client without compensation.

21           Conclusion.

22           Whether movant remains as counsel for plaintiff or is allowed to withdraw will not  
23           affect defendant's conduct of its defense. Defendant is prepared for trial but wishes to take  
24           plaintiff's deposition. If plaintiff fails to appear for his deposition defendants can move  
25           for sanctions and/or dismissal whether or not plaintiff is represented by counsel.

26           If plaintiff does appear for his deposition, and the case continues, plaintiff has six  
27           months in which to secure substitute counsel.

28           /

Allowing Oak Tree Law to withdraw prejudices no one. Oak Tree Law respectfully asks the court to grant it motion.

Dated: February 17, 2016.

OAKTREE LAW

*/s/ Lawrence R. Fieselman*

By:

JULIE J. VILLALOBOS  
LAWRENCE R. FIESELMAN  
Attorneys for Plaintiff

**PROOF OF SERVICE BY MAIL**

I am over the age of 18 years and not a party to this action. My business address is 10900 183<sup>rd</sup> Street, Suite 270, Cerritos CA 90703.

On February 17, 2016, I served a copy of the foregoing document entitled **REPLY TO  
OPPOSITION TO MOTION FOR ORDER PERMITTING WITHDRAWAL OF  
PLAINTIFF'S COUNSEL** on the interested parties by placing a copy thereof in a sealed envelope and depositing the same into the United States Mail at Cerritos CA, with postage fully prepaid thereon, addressed as follows:

SHANNON J. MCGINNIS, Esq.  
JEFFREY N. WILLIAMS, Esq.  
WARGO & FRENCH LLP  
1888 Century Park East, Suite 1520  
Los Angeles CA 90067

Also, on the same date, I emailed a copy of the foregoing document as follows: [smcginnis@wargoffrench.com](mailto:smcginnis@wargoffrench.com) and [jwilliams@wargoffrench.com](mailto:jwilliams@wargoffrench.com).

I declare, under penalty of perjury, that the foregoing is true and correct. Executed at Cerritos  
CA on February 17, 2016.

*/S/ Lawrence R. Fieselman*

LAWRENCE R. FIESELMAN